

SEALED

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JAMES HARDY,

Defendant.

) Criminal No. 18cr10261
)
) Violation:
)
) **Count One:** 21 U.S.C. § 841(a)(1)
) Distribution of Fentanyl and Cocaine Base
)
) **Drug Forfeiture Allegation**
) 21 U.S.C. § 853

INDICTMENT

COUNT ONE: 21 U.S.C. § 841(a)(1) – Distribution of Fentanyl and Cocaine Base

The Grand Jury charges that:

On or about July 1, 2018, in Boston and elsewhere in the District of Massachusetts,

JAMES HARDY,

defendant herein, did knowingly and intentionally distribute: (i) a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as fentanyl, a Schedule II controlled substance; and (ii) a mixture and substance containing a detectable amount of cocaine base, also known as crack cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

DRUG FORFEITURE ALLEGATION

(21 U.S.C. § 853)

The Grand Jury alleges:

1. Upon conviction of the offense in violation of Title 21, United States Code, Section 841(a), set forth in Count One of this Indictment,

JAMES HARDY,

defendant herein, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such offense; and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense.

2. If any of the property described in Paragraph 1, above, as being forfeitable pursuant to Title 21, United States Code, Section 853, as a result of any act or omission of the defendant --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in Paragraph 1 above.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

Glenda Duclos
Foreperson of the Grand Jury

David G. Tobin
Assistant District Attorney

District of Massachusetts
August 15, 2018

Returned into the District Court by the Grand Jurors and filed.

Dea Belpedio
Deputy Clerk
1:29 p.